United States Court of Appeals

for the Second Circuit

APPELLANT'S BRIEF

75-1242

To be argued by
SHEILA GINSBERG

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

-against-

RAYMOND RICKMAN,

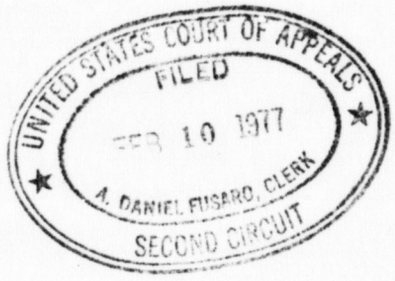
Defendant-Appellant.

B p/s

Docket No. 75-1242

BRIEF FOR APPELLANT

ON REMAND FROM
THE UNITED STATES SUPREME COURT



WILLIAM J. GALLAGHER, ESQ.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
RAYMOND RICKMAN
FEDERAL DEFENDER SERVICES UNIT
509 United States Court House
Foley Square
New York, New York 10007
(212) 732-2971

SHEILA GINSBERG,
Of Counsel.

CONTENTS

TABLE OF CASES

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, -against- RAYMOND RICKMAN, Defendant-Appellant.	Docket No. 75-1242

BRIEF FOR APPELLANT

ON REMAND FROM
THE UNITED STATES SUPREME COURT

QUESTION PRESENTED

Whether, in light of Doyle v. Ohio, 96 S.Ct. 2240 (1966), appellant Rickman's due process rights were violated by the Government's repeated use of evidence that, after receiving Miranda warnings, Rickman refused to sign a receipt and remained silent in response to a custodial inquiry.

STATEMENT PURSUANT TO RULE 28(a)(3)

Preliminary Statement

This is an appeal on a remand dated June 28, 1976, from the United States Supreme Court for reconsideration in light of Doyle v. Ohio, 96 S.Ct. 2240 (1976). On November 24, 1975, this Court affirmed without opinion the judgment of the United States District Court for the Eastern District of New York (Weinstein, J.) entered on June 27, 1975, after a trial before a jury, convicting appellant Raymond Rickman and co-defendant Richard Smith of bank robbery, in violation of 18 U.S.C. §2113 (d). Appellant Rickman was sentenced to a term of 15 years in prison, pursuant to 18 U.S.C. §4208(a).

The Legal Aid Society, Federal Defender Services Unit, continues as counsel on appeal pursuant to the Criminal Justice Act.

Statement of Facts

A. Introduction

By order dated June 28, 1976, the United States Supreme Court granted appellant Rickman's petition for writ of certiorari, vacated the judgment of this Court, and remanded the case for reconsideration in light of Doyle v. Ohio, 96 S.Ct. 2240 (1976). The petition for writ of certiorari presented the

issue of whether it is constitutionally permissible for the Government to introduce as proof of guilt in its direct case, and, in summation, to comment on, evidence of Rickman's custodial invocation of his Fifth Amendment privilege.* Specifically, the petition challenged the Government's use, in the trial for bank robbery, of Rickman's refusal, after receiving Miranda warnings, to sign a receipt for money allegedly found on his person at the time of arrest, and his further refusal to respond to one of the questions put to him during custodial interrogation.

At trial, FBI agent Morrison testified:

> At the precinct I specifically asked him how he could know if he was asleep [at the time of the robbery] if we didn't tell him what time the robbery was?
>
> Q [by the prosecutor]: What, if anything, did Mr. Rickman say to that, sir?
>
> A [by Morrison]: He said nothing.
>
> (310**).

In addition, the petition challenged the prosecutor's arguments in summation, made despite three separate cautionary instructions by the trial judge, that Rickman's refusal to cooperate at the time of his arrest was proof of his guilt:

---

*The petition also challenged the evidence on evidentiary grounds. United States v. Hale, 422 U.S. 171 (1975).

**Numerals in parentheses refer to pages of the transcript of the trial.

> But the real key, the real key to how dirty that money was, and what Mr. Rickman knew about that money and what its source was is this:
>
> The FBI takes the money and counts it out in front of Mr. Rickman, they fill out a voucher and they give him the voucher and they ask him to sign it, and he refuses to sign it.
>
> If the FBI had just taken a large amount of money from you or anything valuable that belonged to you and that you wanted to reclaim --
>
> (513).

And also:

> As you recall the testimony of the agents when asked the obvious question, How do you know about the time if we never told you the time, Mr. Rickman had nothing to say. He didn't say he heard it elsewhere because he didn't. He had firsthand, firsthand knowledge of the time because he was in the bank at the time.
>
> (516).

B. The Trial

Appellant Raymond Rickman was charged, along with his co-defendant, Richard Smith,* with the December 23, 1974, robbery of a branch of the Chase Manhattan Bank in Jamaica, Queens. The robbers escaped from the bank with approximately $16,000, $400 of which was marked as "bait" money (43, 49). None of

---

*Smith's conviction was also affirmed on appeal, but he did not petition for writ of certiorari.

the robbers was apprehended at the scene of the crime, and identity was the primary issue at trial.

According to Joseph Leader, the bank security guard, the bank was robbed by three black men, one of whom was armed with a shotgun and each of whom concealed his face by pulling his sweater up to his nose and his hat down over his forehead (58). None of the bank personnel identified Rickman as one of the robbers.* Similarly, of the four witnesses to the robbers' escape, none but Wayne Butler recognized Rickman as one of the perpetrators.

Butler testified that as he was about to disembark from the rear door of a bus that had stopped in front of the bank, he heard a shot** come from the bank. He then saw Rickman emerge from the bank building carrying a rifle (150). Butler asserted that he knew Rickman from a casual, three-minute introduction*** that had occurred approximately a year before the robbery, and also from having once seen Rickman in the street some six months before the bank was robbed (153-154). Butler maintained that he was able to identify Rickman because, when the robbers left the bank, their faces were no

---

*Despite these disguises, the bank guard was able to identify only Richard Smith from his eyes (82).

**The robber with the shotgun fired a warning shot which, although aimed at the floor of the bank, ricocheted and injured one of the bank's patrons (64).

***Butler knew Rickman by the nickname "Chink" (153).

longer covered by their clothing and because Rickman turned a full 180 degrees, looking squarely in Butler's direction (169).

In contrast, John Kugler, the bus driver (107), who, like Butler, heard the shot (116) and observed the same scene* (118-119), testified that the men backed out of the bank and did not turn around to look in the direction of the bus. Critically, Kugler emphasized that he could not identify any of the men because their faces were covered by their clothing the entire time they walked hastily from the bank and entered the black and white Ford used as a getaway car (138).

Further contradicting Butler's account of the events was the explicit testimony of the security guard, who asserted that the robber with the gun** was not Rickman, but was Richard Smith (79-82).

The only other evidence against Rickman was the presence of a fingerprint of his found in a place of equivocal significance, and the testimony of FBI agent Morrison concerning Rickman's silence and refusal to cooperate at the time of his arrest. The fingerprint was found on the ashtray of the left rear door of a brown Oldsmobile (328) identified as the "switch"

---

*Kugler testified accurately that three men left the bank and entered the getaway car (119), whereas Butler testified that only two men ran from the bank and entered the car (161).

**The guard accurately described the weapon as a shotgun, while Butler emphatically, but inaccurately, insisted it was a rifle (150).

car (185, 241), which two of the robbers entered after the black and white Ford* had deposited them some distance from the bank. However, the brown Oldsmobile was registered to Richard Smith's mother (247), and the record independently established that Smith and Rickman were friends** (272). Moreover, both Herbert Marin and Anthony Webb, witnesses of the transfer from one car to the other, testified that both men got into the front seat of the Oldsmobile (196, 244).***

As to Rickman's refusal to cooperate with the agents after his arrest, FBI agent Morrison asserted that at the time of Rickman's arrest, he had approximately $700 in his possession and that, when, after informing Rickman of his Miranda rights (303) the agent asked Rickman to sign a receipt for the money, Rickman refused to do so**** (305).

---

*Rickman's fingerprints were not found in the Ford (328).

**James Murphy, a special agent with the FBI, testified that when Smith was shown a photograph of Rickman, Smith admitted knowing him as "Chink," although Smith failed to make that association before being shown the picture (272).

***Combining Webb's testimony that one of these men had emerged from the front passenger seat of the Ford (244-245) with Butler's testimony that Rickman was the man sitting in the front passenger seat (167), it follows that the man identified by Butler as Rickman did not sit in the left rear seat of the Oldsmobile where the fingerprint was found.

****No bait money was found among the $700. After refusing to sign the receipt, Rickman did explain to Morrison that he had won the money a few days earlier playing the numbers, but Rickman could not remember the winning number (307-308).

This testimony prompted Judge Weinstein sua sponte to instruct the jury that Rickman had a right not to sign anything (305).

Thereafter, in response to the prosecutor's questions, Morrison described how Rickman had explained that he had been asleep at the time of the bank robbery but had "said nothing" in response to Morrison's challege to this alibi:

> Q [by the prosecutor]: And you were with him for the entire period of time that he was being questioned at the 113th Precinct, isn't that correct?
>
> A [by Morrison]: That's correct.
>
> Q Throughout any of that period of time, did you or any other FBI agent or anybody else present, tell Mr. Rickman the time of the robbery?
>
> A No.
>
> Q After Mr. Rickman advised you that he had been asleep at the time of the robbery, what, if anything, did you say?
>
> A At the precinct I specifically asked him how he could know if he was asleep if we didn't tell him what time the robbery was.
>
> Q What, if anything, did Mr. Rickman say to that, sir?
>
> A He said nothing.
>
> (310).*

In response to this testimony, Judge Weinstein again cautioned the jury that Rickman was not required to say any-

---

*On cross-examination, Herbert Marin revealed that news of the bank robbery received a great deal of publicity in the neighborhood (195).

thing to the FBI (311). Then, out of the presence of the jury, Judge Weinstein and defense counsel reaffirmed and explained to the prosecutor the objection to this type of evidence. The bench conference was called in response to defense counsel's objection to the Government's offer of evidence that Rickman had refused to give the agents his address. Counsel explained that such testimony was offered to suggest guilt from Rickman's failure to cooperate, and as such would violate the cautionary instructions Judge Weinstein had already given (314). The judge then again instructed the prosecutor that evidence of a refusal to cooperate "won't come in" (314).*

At the close of the Government's case, after motions for a judgment of acquittal had been made and denied (407), the defense rested (408).

Ignoring Judge Weinstein's earlier specific instructions, the prosecutor in his summation reminded the jurors of both Rickman's silence when questioned by FBI agent Morrison and his refusal to sign the receipt. First, addressing Rickman's refusal to explain how he knew the time of the robbery, the prosecutor said:

---

*The evidence as to Rickman's address was subsequently admitted because, in fact, Rickman did not remain silent as to his address, but made a statement about his address. When challenged by the agents, Rickman reaffirmed that the address he had given the agents was correct (318).

... Ask yourselves this:

> If Mr. Rickman had indeed heard it on the radio or a friend had indeed told him the time of the robbery, after hearing about it, wouldn't he say that to the FBI when he asked him the obvious question: How do you know you were asleep at the time, and we never told you the time?
>
> Wouldn't he obviously [have] said, Mr. Jones told me? Wouldn't he have obviously said, I heard it on WINS in stereo?
>
> As you recall the testimony of the agents when asked the obvious question, How do you know about the time if we never told you the time, Mr. Rickman had nothing to say. He didn't say he heard it elsewhere because he didn't. He had firsthand, first-hand knowledge of the time because he was in the bank at the time.

(515-516).

Then the prosecutor directed his attention and the jury's to what he supposed was the significance of Rickman's refusal to sign the receipt for the $700:

> But the real key, the real key to how dirty that money was, and what Mr. Rickman knew about that money and what its source was is this:
>
> The FBI takes the money and counts it out in front of Mr. Rickman, they fill out a voucher and they give him the voucher and they ask him to sign it, and he refuses to sign it.
>
> If the FBI had just taken a large amount of money from you or anything valuable that belonged to you and that you wanted to re-claim --

(519).

At this juncture, Judge Weinstein sua sponte interrupted

the summation, chastised the prosecutor for making improper argument, and instructed the jury that Rickman had been under no obligation to sign anything (519).

During deliberations, the jury returned to ask, inter alia, that Wayne Butler's testimony be reread. After more than seven hours of deliberation, the jury returned a verdict of guilty (566).

ARGUMENT

RICKMAN'S DUE PROCESS RIGHTS WERE VIOLATED BY THE GOVERNMENT'S REPEATED USE OF EVIDENCE THAT, AFTER RECEIVING MIRANDA WARNINGS, RICKMAN REFUSED TO SIGN A RECEIPT AND REMAINED SILENT IN RESPONSE TO A CUSTODIAL INQUIRY.

In Doyle v. Ohio, 96 S.Ct. 2240 (1976), the Supreme Court held that the prosecution's use of a defendant's silence at the time of his arrest after receiving Miranda warnings violates due process. The Court explained that silence in the "wake of" Miranda warnings is "insoluably ambiguous," and moreover, that it would be "fundamentally unfair and a denial of due process" to allow use of that silence after the implicit assurance in the warnings that the assertion of Fifth Amendment privilege will carry no penalty:

> [W]hen a person under arrest is informed, as Miranda requires, that anything he says may be used against him, and that he may have an attorney if he wishes, it seems to me that it does not comport with due process to permit the prosecution during the trial to call attention to his silence at the time of arrest and to insist that because he did not speak about facts of the case at that time, as he was told he need not do, an unfavorable inference might be drawn as to the truth of his trial testimony. ... Surely [the defendant] was not informed here that his silence, as well as his words, could be used against him at trial. Indeed, anyone would reasonably

> conclude from Miranda warnings that this would not be the case.
>
> Doyle v. Ohio, supra, 96 S.Ct. at 2245, quoting United States v. Hale, 422 U.S. 171, 182-183 (1975) (concurring opinion of White, J.).

On Rickman's petition for writ of certiorari, the Supreme Court remanded this case for reconsideration in light of Doyle v. Ohio. It is respectfully submitted that Doyle controls this case and mandates a reversal of the conviction here. Indeed, this case is more compelling than Doyle for reversal. There, the State sought to use custodial silence to impeach the credibility of a defendant who testified at trial. In contrast, here, the Government used as part of its direct case Rickman's justifiable refusal to cooperate and his silence as affirmative evidence of guilt. The Supreme Court was unanimous that this is egregious error; even the dissenters in Doyle acknowledge that it is improper for the Government to ask the jury to infer guilt from silence.* Doyle v. Ohio, supra, 96 S.Ct. at 2252 (dissenting opinion).

---

*In addition, use of this evidence is error because, as Rickman has consistently argued, it violates his Fifth Amendment privilege against self-incrimination. Miranda v. Arizona, 384 U.S. 436, 468 n.37 (1964); United States v. Ghiz, 491 F.2d 599 (4th Cir. 1974); United States v. Matos, 444 F.2d 1071 (7th Cir. 1971); United States v. Mullings, 364 F.2d 173, 175 (2d Cir. 1966); United States v. Ivey, 344 F.2d 770, 772 (5th Cir. 1965); Helton v. United States, 221 F.2d 338, 341 (5th Cir. 1955); United States v. LoBiondo, 135 F.2d 130, 131-132 (2d Cir. 1943); appellant's original brief on appeal (August 11, 1975) at 9-12).

In the trial below, the Government sought to draw such inferences on four separate occasions relating to two separate pieces of evidence. The first was Rickman's refusal to sign a receipt for money allegedly in his possession at the time of arrest. The prosecutor elicited this evidence in his direct examination of FBI agent Morrison. According to Morrison, some time after he had informed Rickman of his Miranda rights, he asked Rickman to sign a receipt acknowledging that more than $700 had been found in his possession when he was arrested. Morrison testified that Rickman refused to sign the receipt.

Obviously, Rickman's signature was sought for its "testimonial or communicative content," and Rickman's refusal to sign was therefore within the protections afforded by the Fifth Amendment. United States v. Dionisio, 410 U.S. 6, 7 (1973); Gilbert v. California, 388 U.S. 263, 266 (1967); Boyd v. United States, 116 U.S. 616 (1886). Having just been informed by FBI agent Morrison that "anything he said might be used against him," Rickman was obviously responding to that warning when he refused to sign the receipt.

Nevertheless, this testimony was introduced to establish that the approximately $700 was part of the proceeds of the bank robbery. The logic of this theory was that since Rickman most certainly would have signed the receipt had there been a legitimate source for the money, his refusal to do so was, a fortiori, an admission that the money was stolen from the bank.

In his summation, the prosecutor articulated exactly this

rationale, assuring that the impact of Morrison's testimony would not escape the jury's attention:

> But the real key, the real key to how dirty that money was, and what Mr. Rickman knew about that money and what its sources was is this:
>
> The FBI takes the money and counts it out in front of Mr. Rickman, they fill out a voucher and they give him the voucher and they ask him to sign it, and he refuses to sign it.
>
> If the FBI had just taken a large amount of money from you or anything valuable that belonged to you and that you wanted to reclaim --
>
> (519).

The second piece of evidence was Morrison's assertion that Rickman, who had already explained to the agent that he had been asleep at the time the bank was robbed, chose to remain silent when Morrison asked how he knew what time the crime was committed. Although Rickman had elected to respond to earlier questions, he was free at any time to assert his privilege against self-incrimination. Miranda v. Arizona, 384 U.S. 436, 475 (1966):

> [W]here in-custody interrogation is involved, there is no room for the contention that the privilege is waived if the individual answers some questions on his own prior to invoking his rights to remain silent when interrogated.

In Michigan v. Moseley, 423 U.S. 96, 103 (1975), the Court reaffirmed that the admissibility of custodial statements under Miranda turns on whether a defendant's "'right to cut off questions' was scrupulously honored." Indeed, as a matter of course,

Miranda warnings explicitly provide that even if a suspect were to begin to cooperate, he is free at any time to cease responding to questions.

Despite the obvious amgibuity of Rickman's silence in this context, the inference the Government sought to draw from this evidence was that Rickman refused to respond because the only answer to the question was that his knowledge derived from involvement in the robbery. Again, in his summation, the prosecutor importuned the jury to accept this analysis of the testimony. Specifically, he urged:

> Ask yourselves this:
>
> If Mr. Rickman had indeed heard it on the radio or a friend had indeed told him the time of the robbery, after hearing about it, wouldn't he say that to the FBI when he asked him the obvious question: how do you know you were asleep at the time and we never told you the time?
>
> Wouldn't he obviously have said, Mr. Jones told me? Wouldn't he have obviously said, I heard it on WINS in stereo?
>
> As you recall the testimony of the agents when asked the obvious question, How do you know about the time if we never told you the time, Mr. Rickman had nothing to say. He didn't say he heard it elsewhere because he didn't. He had first-hand, firsthand knowledge of the time because he was in the bank at the time.

The introduction of this evidence and the prosecutor's reliance on it as proof of Rickman's guilt is error mandating reversal of the conviction.

The trial judge's cautionary instructions did not cure

this error.* United States v. Hale,** supra, 422 U.S. at 175 n.3; United States v. Impson, 531 F.2d 274, 276 (5th Cir.), rehearing denied, 535 F.2d 286 (1976); see also Bruton v. United States, 391 U.S. 123 (1968). On the facts of this case, the instruction did little, if anything, to preclude the jury from using the testimony. At the time the evidence was admitted, the judge informed the jury only that Rickman did not have to sign anything or answer any questions. Because the judge did not strike the testimony or direct the jurors not to consider it, the implication remained that they were free to use the evidence. While Judge Weinstein did, during the prosecutor's summation, caution that it was improper to imply guilt from Rickman's silence, that instruction came too late. This was the fourth time the jury had been importuned by the Government to infer guilt from Rickman's custodial silence, and it is highly unlikely that the jurors would, or could, disregard the evidence. In light of the prosecutor's inability to refrain from resorting to this evidence,*** it defies

---

*The Government concedes as much in its original brief on appeal at 11 n.11.

**The court of appeals in Hale had found, citing Stewart v. United States, 366 U.S. 1 (1961), that such instruction has the effect of highlighting the error, thereby exacerbating it. United States v. Anderson, 498 F.2d 1038, 1045 (D.C. Cir.), affirmed sub nom. United States v. Hale, supra.

***Surely the prosecutor knew that this inference of guilt from custodial silence was improper. Twice during the trial Judge Weinstein gave sua sponte cautionary instructions, and then, specifically told the prosecutor, in a bench conference, that evidence of a custodial refusal to respond would "not come in" (315).

reason to expect that a jury of laymen would be able to do so.

Nor does trial counsel's failure to object preclude relief on appeal. Counsel's inaction was clearly the result of Judge Weinstein's sua sponte attempt to correct the error, and, at the time of trial, counsel could reasonably have believed that he was entitled to no more. The trial occurred in May 1975, before the Supreme Court had decided United States v. Hale, supra, 422 U.S. 171, or Doyle v. Ohio, supra, 96 S.Ct. 2240, and it is therefore reasonable that counsel might have understood that an instruction in accordance with Miranda was all that was required to cure the error. In this context, it would be unfair and too harsh to penalize Rickman for counsel's failure specifically to object* to an error unknown to him at the time. Leary v. United States, 395 U.S. 6, 27-28 (1969); United States v. Tramunti, 500 F.2d 1334, 1341 n.3 (2d Cir. 1974).

In any event, this error, one of constitutional dimension, is plain and should be noticed on appeal absent objection. Rule

---

*That counsel did not acquiesce to the admission of this type of evidence is apparent from the devastating effect of this evidence on the defense and from his objection to the Government's attempt to introduce the fact that Rickman had refused to give the agents his address. During the course of the bench conference occasioned by the objection, counsel explained that such evidence conflicted with the court's earlier direction to the jury.

52(b), Federal Rules of Criminal Procedure; United States v. Harp, 536 F.2d 601 (5th Cir. 1976);* see also Minor v. Black, 527 F.2d 1 (6th Cir. 1975).

On the record of this case, this evidence most certainly had a critical impact on the verdict. The other evidence introduced against Rickman was scant. Four of the eyewitnesses to the robbery and escape did not identify Rickman as one of the robbers. None of the bait money was found in his possession. The fingerprint found in the rear seat of Richard Smith's car was explicable consistent with innocence since Rickman and Smith were friends. Moreover, according to eyewitness testimony, the robbers who got into Smith's car both entered the front seat.**

---

*This Court's decision in United States v. Rose, 525 F.2d 1026, 1027 (2d Cir. 1975), acknowledges that this type of error can be plain. While, in Rose, the panel declined to consider the error absent objection, the opinion in Rose, handed down before Doyle v. Ohio, supra, turns solely on a question of whether the failure to make evidentiary objections was fatal. The question here is whether an error of constitutional magnitude can be recognized on appeal absent objection. Moreover, the facts of Rose are sharply distinguishable from those of this case. In contrast to the repeated and inflammatory instances of error in the trial below, in Rose the error was merely in the form of one question to the defendant during the course of cross-examination. There, unlike here, there was no direct evidence of custodial silence, nor was there comment on such evidence in summation.

**If Butler's testimony is to be believed, when combined with Tony Webb's, the robber Butler identified as Rickman got into the front seat of the Oldsmobile.

While there was also eyewitness identification of Rickman by Wayne Butler, that testimony was impeached by other evidence in the case. For example, Butler did not know Rickman, and had seen him very briefly only twice previously. Butler's claimed ability to observe the robber's features as he left the bank was contradicted by John Kugler, the bus driver, who, observing the same scene, remembered that the robbers' faces were covered, thus precluding identification. Butler's perceptions were further challenged by his incorrect assertion that only two robbers left the bank; in fact, all the other witnesses agreed there had been three robbers. Additionally, Butler's assertion that he saw Rickman carrying a rifle was contradicted by the bank guard's testimony that it was Richard Smith, who was carrying a shotgun.

Clearly, as in Doyle v. Ohio, supra, and in United States v. Hale, supra, where there were eyewitness identifications also -- there, by an informant and the victim of the robbery, respectively -- such evidence will not diffuse the prejudicial impact of the testimony concerning custodial lack of cooperation and silence. Defense counsel made a strong argument that Butler was mistaken and that there was no remaining proof that Rickman was one of the robbers. The jury deliberated for seven hours, returning to ask, inter alia, for a rereading of Butler's testimony. In this context, the Government's reliance and emphasis on evidence that Rickman refused to admit ownership of the $700 and to answer an incriminating question was devastating to his defense. See Doyle v. Ohio, supra; United States v. Hale, supra.

The use of this evidence invaded the fact-finding process and mandates reversal of the conviction and remand for a new trial.

CONCLUSION

For the foregoing reasons, the rationale of Doyle v. Ohio, 96 S.Ct. 2240 (1976), controls, and for even more compelling reasons than those presented in that case, the judgment of conviction in this case should be reversed.

Respectfully submitted,

WILLIAM J. GALLAGHER, ESQ.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
RAYMOND RICKMAN
FEDERAL DEFENDER SERVICES UNIT
509 United States Court House
Foley Square
New York, New York 10007
(212) 732-2971

SHEILA GINSBERG,
Of Counsel.

CERTIFICATE OF SERVICE

February 10, 1977

I certify that a copy of this brief [redacted] has been mailed to the United States Attorney for the Eastern District of New York.

Sheila Ginsberg